

SPEECH

No 206

OF

MR. CHARLES ROGERS,

OF NEW YORK,

ON THE

RIGHT OF PETITION.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 23, 1844.

WASHINGTON:

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SPEECH.

The pending question being on the motion of Mr. DROMGOOLE, of Virginia, to recommit the report of the Select Committee on the Rules, with instructions, proposed by Mr. BLACK of Georgia, to restore the 21st rule :

Mr. ROGERS rose and said—

Mr. SPEAKER : I propose with all sincerity and frankness to give my views to the House on this subject. There is no question which has excited more interest at the North, and particularly among my constituents, than this very one of the right of petition. The 21st rule, from its first adoption, has found no favor with us of New York. Why, sir, you may travel through the whole length and breadth of the State, and you will hardly find one man in ten who will attempt to justify it. Deep and sincere is the opposition to it, and for good and sufficient cause. When the incipient efforts were made here to abridge the right of petition, the Abolition party, as such, was hardly known among us. There were, to be sure, scattered abolitionists, and abortive efforts were occasionally made to mould the raw materials of abolitionism into something like political organization. Indeed, the question of political action was long mooted and undecided by them ; there was great variety and difference of opinion on that subject, until the adoption of this rule, or some of its kindred measures of restriction, when, immediately seizing and occupying the vantage ground thus furnished, they commenced a regular political movement, and inscribed on their banners—Liberty, and the Right of Petition. A conjunction of terms, Mr. Speaker, well calculated to touch the popular mind, and stir the wide ocean of public sentiment to its lowest depths. What has been the result ? Look at New York, where, a few years ago they scarcely had an array of political strength of sufficient amount to be considered respectable even among the scatterings. So in Massachusetts, so in Connecticut, so in Vermont, so in Ohio. How is it now ? They hold the balance of power in all these States, and from a scattered, disjointed and fragmentary condition, they have arrived to a position where power and influence beget respect. And I have sometimes thought that I have noticed even on the part of the *Democracy*, since Abolitionism has arisen from her low estate, a disposition now and then, when hard pressed, to woo and win her.

Now, sir, I am of the opinion, honestly and sincerely of the opinion, that the very aliment of subsistence, that the very life-blood which has given vitality and vigor to this party, have been drawn from this celebrated 21st rule. There is a principle deeply planted in the human heart, as old as human nature itself, that revolts at persecution and oppression, and gathers strength from opposition. The very worm will turn on the foot that spurns it, and man, with all his glorious faculties and capabilities, can he do less, will he do less, than the worm that licks the dust? The history of the world shows that no cause, honestly entertained and supported, was ever demolished by such weapons; on the contrary, such warfare has always led the oppressed to ultimate and complete triumph. The blood of the martyrs was the seed of the church, and from the dungeon, the scaffold, and the stake, that precious seed has gone forth "on the wings of mighty winds" to all corners of the world. The foot-prints of Christianity are lovely on the mountain tops, and gladden the valleys; for they mark with unerring certainty all round the globe, in lines of light, the march of mind and the extent of civilization.

To what else, sir, than the principle I am speaking of, do we owe that splendid conception of the genius of Weir that now ornaments and adorns your rotunda? * It was this that gave to the world the story, the moral, and the poetry of the May-flower, and of the rock of Plymouth. To what but this do we owe our revolutionary struggle, and our separate independent existence as a nation? There were, to be sure, giants in those days, intellectual giants, but it needed the oppression and despotism of the mother country to arouse their slumbering energies, and explore all the hidden depths of their nature. Then it was they sprang, like Minerva fully armed, from the forehead of the revolution, disciplined and prepared for the mighty conflict; and through that long spasm of 'agony pure'—of unequalled suffering, and of unequalled renown—their course was upward and onward, to a merited and world conceded immortality. The country never saw before, it has never seen since, it will never see again, any thing of mortal mould to compare with the men of the revolution. Take that Congress which gave to the world the Declaration of Independence, and I challenge the annals of mankind—all of ancient and modern story—to produce a deliberative body that ever contained an equal

* The picture of the embarkation of the Pilgrim Fathers.

amount of the moral and intellectual greatness which distinguished that illustrious Congress. It occupies the records of history without a parallel. It stands like a beacon-light on some mighty headland, to guide, instruct, and awe the world.

Now, sir, I do not propose to compare Abolitionism with the cause of the revolution, or its advocates with the men of the revolution ; but I do say, that human nature is essentially the same in every age and country, and that similar causes are apt to produce similar effects ; and that despotism and oppression here, can never palsy the popular will, but must always strengthen, invigorate, and consecrate it. Let us look at this subject in a plain, practical, and common sense manner. What do we mean by the right of petition ? We mean the right to ask, to solicit, to pray for a redress of grievances from a power capable of affording it ; the right to approach the constituted authorities of the country, and ask, in a peaceable, orderly, and constitutional manner, to be relieved from injustice, wrong, and evils that are too grievous to be borne.

Well, what is the 21st rule ? It is as follows :

“No petition, memorial, resolution, or other paper, praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever.”

Is there any man here who supposes that he can make the people believe that this rule is harmless, and contains no abridgment, no infringement of the right of petition ? I undertake to say that I know, and am thoroughly acquainted with public opinion in my quarter of the country. I know the people well, for I am one of them, and when at home, my daily intercourse is with the farmer, the mechanic, and the sons of honest labor, and I have found many a farmer at his plough-tail, and mechanic in his workshop, whose intelligence and intellect would do no discredit to this hall. What do such men think ? What do the masses think, and say, and require, in relation to this rule ? They think and say it is a violation of the right of petition, in the worst spirit of despotism ; and they demand its utter and entire abrogation. And there is no magician in this land potent enough to lay the perturbed spirit of Abolitionism until that is done.

Some gentlemen, with very great acuteness of mind and of logic, have undertaken to show that the right of petition is not vio-

lated in the least, because a member is permitted to rise in his place and state briefly the contents of a petition. Then, say they, the right of petition is at an end—it has performed its function, and accomplished its office, and has expired—and the law-making power immediately commences its province, and thus legislation is legitimately carried out. This abstraction is too refined and intangible for the comprehension of the people—the very subtlety of the thing is the death of it. It is easy enough to obscure, to perplex, and confuse an argument, and drive it out beyond soundings; but it requires a sound intellect, and the staple of common sense, to make a convincing one. I have no hesitation in saying, that the best dialectician in this House cannot make this particular one plain, or even comprehensible. It is a transcendentalism that would figure well in the metaphysics of Germany, or in the mystic elaborations of the mind of Thomas Carlyle; but it is utterly thrown away on the popular mind, for it is unworthy of it.

The question has been frequently asked—What shall be done with these petitions? I answer, receive them, refer them, consider them, and report upon them; the very idea of petition necessarily implies audience and consideration; and if you can assign any good reason for refusing the prayer of them, *that* will have more influence in allaying the Abolition excitement, than all the barriers that inventive despotism ever erected in the path of free enquiry.

The only argument that I have heard, which has any plausibility in it for the rejection of petitions, is this—that when the prayer of a petition is plainly and palpably, on the face of it, unconstitutional, then it is our duty to reject it, without reception—for, reception and consideration could add nothing to our convictions on the subject; as for example, when a petition asked for the establishment of a national church, or an order of nobility, or a regal government. Without expressing any opinion on this point, I deny its applicability to the matter under discussion. These petitions under consideration relate mainly to the abolition of slavery in the District of Columbia, which I affirm to be clearly within the constitutional competency of Congress. And to this point I will now direct my attention, and invite the candid consideration of the House.

The grant of power on this subject is contained in section 8 of the Constitution, and is as follows:

‘The Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States.’”

Can there be a more comprehensive grant of power? *In all cases whatsoever!* It is without restriction or limitation, and the English language can embody nothing more complete and absolute. So thought the framers of the Constitution, and there is no safer method to arrive at a correct understanding of that instrument, than by taking the contemporaneous and concurrent testimony of its authors, and of the early interpretation stamped upon it by the first and best men of the country, when submitted to their consideration for adoption.

Mr. Madison, speaking in No. 43 of the Federalist of this particular grant of power, says:

“The indispensable necessity of *complete* authority at the seat of Government, carries its own evidence with it. It is a power exercised by every legislature of the Union, and I might say of the world, by virtue of its general supremacy.”

The debates in the Virginia Convention of '88, called for the purpose of deliberating on the Constitution, are instructive on this subject. The clause under consideration was admitted on all hands to contain an exclusive and untrammelled grant of power. Mr. George Mason, a distinguished member of the Convention, thought

“There were few clauses in the Constitution so dangerous as that which gave Congress exclusive power of legislation within ten miles square. Implication,” he observed, “was capable of any extension, and would probably be extended to augment the congressional powers. But here there was no need of implication. This clause gave them an *unlimited* authority, in every possible case, within that district.”

The celebrated Patrick Henry speaks of this clause as giving “unlimited powers,” “unbounded powers,” illimitable authority,” &c.

Mr. Madison, in reply to Mr. Henry, asks—“Was there ever a legislature in existence that held their sessions at a place where they had not jurisdiction?” And goes on generally to maintain the importance and necessity of this grant of exclusive power.

In the next place, let us enquire if slavery is a proper subject for the exercise of this power—if it is legitimately within the province of legislation.

And on this point I will cite an authority which ought to have great weight with Southern gentlemen—it is the opinion of the father of his country—of George Washington. In a letter addressed to Robert Morris, dated Mount Vernon, April 12, 1786, among other things, he says :

“I hope it will not be conceived, from these observations, that it is my wish to hold the unhappy people who are the subject of this letter, in slavery. I can only say that there is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of it; but there is only one proper and effectual mode by which it can be accomplished, and that is by legislative authority, and this, as far as my suffrage will go, shall never be wanting.”

In writing to Mr. John F. Mercer on this subject, General Washington said :

“I never mean, unless some particular circumstances should compel me to, to possess another slave by purchase, it being among my first wishes to see some plan adopted by which slavery in this country may be abolished by law.”—*Sept. 9th, 1786.*

I have another fact on this point, and a conclusive precedent in this House. On the 9th January, 1829, the House of Representatives, on motion of Mr. Miner, of Pennsylvania, adopted the following resolution :

“*Resolved*, That the Committee for the District of Columbia be instructed to inquire into the expediency of providing by law for the gradual abolition of slavery in the District, in such manner, that the interest of no individual shall be injured thereby.”

This resolution was adopted by a vote of 114 to 66.

Again, the journals show a long list of petitions on this very subject, presented heretofore by gentlemen of the southern delegations in Congress, thus admitting the right of Congress to legislate on the subject.

In this connexion, Mr. Speaker, allow me to read the celebrated letter of Thomas Jefferson, the great apostle of democracy, on the question of slavery, addressed to Dr. Price, of London, who had written a pamphlet on that subject.

“PARIS, August 7, 1785.”

“SIR : Your favor of July the 2nd came duly to hand. The concern you therein express as to the effect of your pamphlet in America, induces me to trouble you with some observations on that subject.

“From my acquaintance with that country, I think I am able to judge, with some degree of certainty, of the manner in which it will have been received. Southward of the Chesapeake, it will find but few readers concurring with it in sentiment, on the subject of slavery. From the mouth to the head of the Chesapeake, the bulk of the people will approve it in theory, and it will find a respectable minority ready to adopt it in practice; a minority, which for weight and worth of character, preponderates against the greater number, who have

not the courage to divest their families of a property which, however, keeps their consciences unquiet. Northward of the Chesapeake, you may find here and there an opponent to your doctrine, as you may find here and there a robber and murderer, but in no greater number. In that part of America, there being but few slaves, they can easily disencumber themselves of them; and emancipation is put into such a train, that in a few years there will be no slaves northward of Maryland. In Maryland, I do not find such a disposition to begin the redress of this enormity as in Virginia. This is the next State to which we may turn our eyes for the interesting spectacle of justice in conflict with avarice and oppression—a conflict wherein the sacred side is gaining daily recruits from the influx into office of young men grown and growing up. These have sucked in the principles of liberty, as it were, with their mother's milk, and it is to them I look with anxiety to turn the fate of this question. Be not therefore discouraged. What you have written will do a great deal of good, and could you still trouble yourself with our welfare, no man is more able to give aid to the laboring side. The College of William & Mary, in Williamsburg, since the re-modelling of its plan, is the place where are collected together all the young men of Virginia, under preparation for public life. They are there under the direction (most of them) of a Mr. Wythe, one of the most virtuous of characters, and whose sentiments on the subject of slavery are unequivocal. I am satisfied, if you could resolve to address an exhortation to those young men, with all that eloquence of which you are master, that its influence on the future decision of this important question would be great, perhaps decisive. Thus you see, that, so far from thinking you have cause to repent of what you have done, I wish you to do more, and wish it, on an assurance of its effect. The information I have received from America, of the reception of your pamphlet in the different States, agrees with the expectations I had formed.

"I pray you to be assured of the sincerity of the esteem and respect, with which I have the honor to be, sir, your most obedient humble servant,

"TH. JEFFERSON."

Well, sir, is there any thing in the grants of cession to limit this power? Let us look. Take the act of cession from the State of Virginia, and I understand the Maryland act, as finally adopted, is similar to it.

"SEC. 2. *Be it therefore enacted by the General Assembly, That a tract of country, not exceeding ten miles square, or any lesser quantity, to be located within the limits of this State, and in any part thereof as Congress may by law direct, shall be, and the same is hereby, forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the Government of the United States.*"

"SEC. 3. *Provided, That nothing herein contained, shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States.*"

"SEC. 4. *And provided, also, That the jurisdiction of the laws of this Commonwealth, over the persons and property of individuals residing within the limits of the cession aforesaid, shall not cease or determine until Congress, having accepted the said cession, shall, by law, provide for the government thereof, under their jurisdiction, in manner provided by the article of the Constitution before recited.*"

By an act approved Feb. 27, 1801, and in the first section of said act, Congress provided for the continuation of slavery in this District, as follows :

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws of the State of Virginia, as they now exist, shall be and continue in force in that part of the District of Columbia which was ceded by the said State to the United States, and by them accepted for the permanent seat of Government ; and that the laws of the State of Maryland, as they now exist, shall be and continue in force in that part of the said District which was ceded by that State to the United States, and by them accepted as aforesaid.”

In this little section is compressed all the authority for the continuance of slavery in this District. And will any one deny that, at the time of its adoption, Congress had the same power to abolish it, that it had to continue it in existence. It is apparent there is no limitation on this subject in the grants of cession, and that the authority of Congress is as absolute and unquestionable on this subject, as that of the State Legislatures within their own limits ; and any other doctrine is unsound, and of latter-day origin, and has no ground of principle to stand upon.

But, sir, I have another authority on this subject, which, in my mind, is a *clincher*, and ought certainly to be conclusive with a majority of this House. It is the opinion of a distinguished leader of the Democracy, under whose banner they are now rallying, as I verily believe, to most assured defeat. It is the opinion of Martin Van Buren—hear him.

On the 23d of February, 1836, a committee of citizens of North Carolina addressed to Mr. Van Buren the following interrogatory, to which they requested an explicit answer :

“Do you, or do you not, believe that Congress has the constitutional power to interfere with or abolish slavery in the District of Columbia?”

A very plain question, Mr. Speaker, and susceptible of a very short answer ; but the distinguished epistolary writer to whom it was addressed, with his usual circumlocution and periphrasis, covers three columns of the newspaper press in reply. After wading through the same, I find the only point is contained in the following paragraph :

“These views, thus expressed and sanctioned by myself, appear to me to cover the whole ground, save the abstract question to which you have been pleased to call my attention, and I cheerfully em-

brace the opportunity you have felt it your duty to afford me, to explain myself fully on that also. As anxious as you can possibly be, to arrest all agitation upon this disturbing subject, I have considered the question you have propounded to me, with a sincere desire to arrive at the conclusion, that the subject, in respect to the District of Columbia, can be safely placed on the same ground on which it stands in regard to the States, viz: the want of constitutional power in Congress to interfere in the matter. I owe it, however, to candor, to say to you, that I have not been able to satisfy myself that the grant to Congress, in the Constitution, of the power of *exclusive legislation in all cases whatsoever*, over the federal district, does not confer on that body the same authority over the subject that would otherwise have been possessed by the States of Maryland and Virginia; or that Congress might not, in virtue thereof, take such steps upon the subject in this district, as those States might themselves take within their own limits, and consistently with their rights of sovereignty. Thus viewing the matter, I would not, from the lights now before me, feel myself safe in pronouncing that Congress does not possess the power of interfering with, or abolishing slavery in the District of Columbia."

When we consider, Mr. Speaker, the natural inclination and tendency of this man's mind to non-committalism, and that his usual style of communicating with the public is involved, obscure, and ambiguous, this certainly is the best specimen of directness, as it most assuredly is of soundness and truth, that can be found in the political essays of the "Northern man with Southern principles."

In reply to a remark from Mr. CAVE JOHNSON, of Tennessee—

Mr. ROGERS said, he admitted that Mr. Van Buren was against the expediency of the thing, and notwithstanding he acknowledged the power, he was opposed to the exercise of it. He was merely referring to his opinions on the constitutional point.

Mr. PAYNE, of Alabama, desired an opportunity to make a remark.

Mr. ROGERS declined to yield the floor, and continued: I have another authority to cite, in reply to the gentleman from Alabama, (Mr. DELLET) who yesterday made a very able and eloquent speech on the other side, and then I shall have done with my authorities. The gentleman quoted, with an air of great triumph and satisfaction, the following passage from a speech of Mr. Madison in the Virginia convention, and applied it to the District of Columbia.

"I was struck with surprise when I heard him (Mr. Henry) express himself alarmed with respect to the emancipation of slaves. Let me ask, if they should even attempt it, if it will not be an usurpation of power? There is no power to warrant it in that paper. If there be, I know it not. But why should it be done?"

Says the honorable gentlemen, for the general welfare ; it will infuse strength into our system. Can any member of this committee suppose that it will increase our strength ? Can any one believe that the American councils will come into a measure which will strip them of their property, discourage and alienate the affections of five-thirteenths of the Union. Why was nothing of this sort aimed at before ? I believe such an idea never entered into any American breast, nor do I believe it ever will, unless it will enter into the heads of those gentlemen who substitute unsupported suspicions to reasons.”

Now sir, if we turn to the speech of Mr. Henry, and to the particular point to which the above was a reply, we shall see at a glance that no allusion was made to slavery in this District, (as indeed there could not be, for the District was not then in existence, and no one could tell where it would be located, whether north or south,) but the whole subject of slavery spoken of, was slavery in the States, and no where else ; and on that subject there is no difference of opinion at the north or the south ; for the most zealous and determined abolitionist north of Mason and Dixon’s line never supposed that Congress had any authority to abolish or interfere with slavery in the States.

The speech of Mr. Henry was on the resolution of ratification proposed by Mr. Wythe. The following are extracts from it :

“ Among ten thousand implied powers which they may assume, (the Congress) they may, if we be engaged in war, liberate every one of your slaves if they please.”

Again : “ If you give power to the General Government to provide for the general defence, the means must be commensurate to the end. All the means in the possession of the people must be given to the Government, which is intrusted with the public defence. In this State there are two hundred and thirty-six thousand blacks, and there are many in several other States. But there are few or none in the northern States, and yet if the northern States shall be of opinion that our numbers are numberless, they may call forth every national resource. May Congress not say that every black man must fight ? Did we not see a little of this last war ? We were not so hard pushed as to make emancipation general, but acts of assembly passed, that every slave who would go to the army should be free. Another thing will contribute to bring this event about—*slavery is detested—we feel its fatal effects—we deplore it with all the pity of humanity.*”

And again : “ Let me not dwell on this subject. I will only add, that this, as well as every other property of the people of Virginia, is in jeopardy, and put in the hands of those who have no similarity of situation with us. This is a local matter, and I can see no propriety of subjecting it to Congress.”

These extracts, in my judgment, are conclusive on this point, and need no comment.

The gentleman from Mississippi, (Mr. HAMMETT) the other day, in speaking on this subject, saw fit to allude to New York, and with a sneer to Governor Seward. The gentleman probably understands the politics of his own State, and the reputation of her great men, much better than he does the affairs of New York, and the character of her distinguished citizens. It is a fact notorious to almost every body but the member from Mississippi, that Governor Seward, on his first nomination for the gubernatorial chair, was addressed by the abolitionists on the subject of the different articles of their creed, and that he returned an answer of general dissent to the prominent points of their political faith. It is true his administration gave satisfaction in many respects to the abolition party, as I have no doubt it did to a large majority of the people of the State; and that its wisdom and true statesmanship will hereafter be acknowledged through all time in the enduring records of history.

Who is William H. Seward, sir? The very soul of honor. A man formed in the prodigality of nature; with all the affluence of mind and virtue sown broadcast into his composition. His life was never soiled with impurity, or his character sullied by the breath of reproach; he is not only pure, but, like Cæsar's wife, he is above and beyond suspicion. He never trod the devious path of shuffling expediency and low ambition; and the popularity which has followed him to his retirement, is like that spoken of by Lord Mansfield, which follows great and glorious deeds, but is not sought after. In the freshness of his youth he planted himself in western New York, among a population distinguished for their discrimination, intelligence, and enterprise; unaided and alone he established himself there; and by the force of his intellect, and the energy of his character, and the clustering virtues that adorned it, he arose to eminence and distinction, and at the early age of thirty-seven was elected governor of the empire State. At the expiration of his first term he was again elected, and at the conclusion of his official labors, voluntarily retired from the public service. Of his administration this is not the time or place to speak. Let it suffice to say, that the line of policy, originated in our State by one of the master spirits of the age, and of whom New York is so justly proud, the immortal Clinton, found in Gov. Seward a firm friend and unswerving advocate; and there are no two names in our domestic annals

more highly enthroned in the affections of our people, or graven deeper on the monuments of our prosperity. Sneer at William H. Seward! Why, sir, as Tristram Burgess once said on this floor, "there is more wisdom in his political little fingers, than in the whole loins of the men who assail him." He belongs to the true nobility—the nobility of nature; to the only peerage recognised in this land—the peerage of intellect, adorned by the heraldry of virtue. And were New York now called upon, like the mother of the Gracchi, to present her jewels, the name of William H. Seward would be one of the brightest gems that would glitter in the diadem of her greatness.

Where does this sneering, this taunting come from? From Mississippi! With all due deference to the gentlemen representing Mississippi on this floor, I must be allowed to say that, in my humble opinion, Mississippi is the very last State in this Union which should attempt to sit in judgment on the character of her sister States. The gentleman thinks abolitionism pregnant with mischief, and black with dishonor. What does he think of repudiation? Sir, war, pestilence, and famine may be endured—any other evil but this; for there is a recuperative energy in this country to restore, to renew, to revive and resuscitate; but where is the medicine that shall heal the broken honor of the country? Who shall wipe from her brow the damning leprosy of violated pledges and blighted and blasted faith? Where is the arm long enough, or strong enough, to "pluck up drowned honor by the locks," from this deep abyss of infamy? When the obligations of a government become "false as dicers' oaths," then, amid the scorn and jeers of the world, it voluntarily sinks to that depth of degradation from which there is not even the hope of a resurrection. It is moral and political death: the great, the unforbidden, and unforgiven public sin! And, *unlike* the beautiful sentiment of Lawrence Sterne, there exists in Heaven's chancery no recording angel to drop a tear of pity on it, and blot it out forever.

MR. THOMPSON, of Mississippi, wished, before the gentleman left that part of the subject, to be permitted to make an explanation in reply.

MR. ROGERS declined to give way, as his hour had nearly expired; and observed, that he had made no allusion to the gentleman, and that his observations on repudiation were general, and not particular, in their application.

I had intended, sir, to notice the extraordinary speech of the gentleman from South Carolina, (Mr. BURT,) but my time will not permit me to do so now, and I pass on.

MR. SPEAKER: In the course of this debate reference has been made, often and long, to foreign practice and foreign precedents; as if the despotism of the old world, crushing with its iron heel the rights of man, and trampling them in the dust, could have any controlling weight here in a Congress of American freemen. Why, sir, neither time nor precedent can sanctify error. You may throw the snow-flakes on its brow, but it is only hoary-headed error still.

I claim that the right of petition is a great, original, inherent, and indefeasible right; that it exists independent of crown grants, or parliamentary indulgences, or Constitutional provisions; that it attaches to human nature as such, and is eternal and indestructible. It is written on the heart of man by the finger of his Maker—it is incorporated with all the bounding pulses of his existence—it is coeval and co-extensive with the race. From the dawn of creation, when the morning stars sang together, and the sons of God shouted for joy, it has been the heritage of man—a legacy from his God—and it will endure as his rightful possession and inheritance until “the crack of doom.” You have no more authority to abridge, or mutilate, or destroy this right, than you have to abridge, or limit, or shackle, the orisons which the contrite heart offers up to heaven.

The Constitution, therefore, instead of looking at the riot acts of England, and the despotism of the house of Stuart, looked to original, immutable, and eternal principles, and but declared, re-affirmed, and re-asserted a well known and pre-existent truth—a truth familiar to all men, and to none more so than to the framers of the Constitution. I come to the conclusion, therefore, that this 21st rule not only violates the Constitution, but is in hostility to those great and fundamental principles upon which all constitutions and all rightful governments repose.

I think I have heard, MR. SPEAKER, in the progress of this debate, something said about a dissolution of the Union—something about a calculation of the value of the Union. Now, sir, no man venerates this Union more than I do—no man cherishes for it a deeper affection. I regard it as freighted with the hopes of humanity—as the last mighty stake in this wide world in the great experiment of self-government. Other experiments have failed—other Republics have perished from the face of the earth. They lie like awful

wrecks along the solitude of Time, and have “clattered down the steeps of night forever.”

The eyes of the nations are upon us, with unwinking and intense solicitude; and the oppressed and down-trodden of every land are stretching to us their eager arms with hope and confidence. If we fail, “chaos has come again;” and from the ransomed thrones of despotism shouts of malignant joy will startle the world, like the “earthquake voice of victory.” Yet, notwithstanding this, and more than this, I agree with the gentleman from South Carolina, (MR. RHETT,) that there may be evils of a greater magnitude, and more intolerable, than even a dissolution of this Union. I regard freedom of thought and freedom of discussion—the liberty of the press and the liberty of speech—and a free, untrammelled exercise of the right of petition, as guaranteed, accredited, and secured by letter-patent from high Heaven. And sooner than surrender these invaluable rights, and submit to have an atmosphere of repulsion thrown around this Capitol, and be obliged to approach it with “bated breath,” and “bend the supple hinges of the knee, that thrift might follow fawning”—sooner than submit to such degradation—sooner than have the People submit to it—“I’d whistle” this Union “down the tide of Time,” and give its fragments to the winds.”¹